

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division E, insert the following:

**SEC. 502. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS AND WATER QUALITY CRITERIA FOR PFAS.**

(a) DEFINITIONS.—In this section:

(1) EFFLUENT LIMITATION.—The term “effluent limitation” has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(2) MEASURABLE.—The term “measurable” means, with respect to a chemical substance or class of chemical substances, capable of being measured using test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314(h)).

(3) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(4) POLYFLUOROALKYL SUBSTANCE.—The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(5) PRIORITY INDUSTRY CATEGORY.—The term “priority industry category” means the following point source categories:

(A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations (or successor regulations).

(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations (or successor regulations).

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations (or successor regulations).

(D) Electroplating, as identified in part 413 of title 40, Code of Federal Regulations (or successor regulations).

(E) Metal finishing, as identified in part 433 of title 40, Code of Federal Regulations (or successor regulations).

(F) Leather tanning and finishing, as identified in part 425 of title 40, Code of Federal Regulations (or successor regulations).

(G) Paint formulating, as identified in part 446 of title 40, Code of Federal Regulations (or successor regulations).

(H) Electrical and electronic components, as identified in part 469 of title 40, Code of Federal Regulations (or successor regulations).

(I) Plastics molding and forming, as identified in part 463 of title 40, Code of Federal Regulations (or successor regulations).

(6) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) DEADLINES.—

(1) WATER QUALITY CRITERIA.—Not later than 3 years after the date of enactment of this section, the Administrator shall publish in the Federal Register human health water quality criteria under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(1)) for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(2) EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR PRIORITY INDUSTRY CAT-

EGORIES.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations guidelines and standards, in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), for the discharge (including a discharge into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(c) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(d) IMPLEMENTATION ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS.—

(1) IN GENERAL.—The Administrator shall award grants to owners and operators of publicly owned treatment works, to be used to implement effluent limitations guidelines and standards developed by the Administrator for a perfluoroalkyl substance, polyfluoroalkyl substance, or class of such substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$200,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(e) NO INCREASED BONDING AUTHORITY.—Amounts awarded to an owner or operator of a publicly owned treatment works under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

**SA 2433.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

**SEC. \_\_\_\_\_. TRANSFER AND REDEMPTION OF ABANDONED SAVINGS BONDS.**

Section 3105 of title 31, United States Code, is amended by adding at the end the following:

“(f)(1) Notwithstanding any other Federal law, the ownership of an applicable savings bond may be transferred pursuant to a valid judgment of escheatment vesting a State with title to the bond. Nothing in this section, or in any regulation promulgated by the Secretary to implement this section, may be construed to preempt State law providing for, or governing the escheatment of, applicable savings bonds.

“(2) The Secretary shall recognize an order of a court of competent jurisdiction that vests title to an applicable savings bond with a State, regardless of whether the State has possession of such bond if the State provides the Secretary with a certified copy of such order.

“(3)(A) If a State has title or is seeking to obtain title through a judicial proceeding to an applicable savings bond, the Secretary shall provide to the State, upon request, the

serial number of such bond, and any reasonably available records or information—

“(i) relating to the purchase or ownership of such bond, including any transactions involving such bond; or

“(ii) which may provide other identifying information relating to such bond.

“(B) Any records or information provided to a State pursuant to subparagraph (A) shall be considered sufficient to enable the State to redeem the applicable savings bond for full value, regardless whether the bond is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the State’s possession.

“(4)(A) Subject to subparagraph (C), a State may redeem and receive payment for an applicable savings bond for which the State has title pursuant to the same procedures established pursuant to regulations which are available for payment or redemption of a savings bond by any owner of such bond.

“(B) The Secretary may not prescribe any regulation which prevents or prohibits a State from obtaining title to an applicable savings bond or redeeming such bond pursuant to the procedures described in subparagraph (A).

“(C) In the case of an applicable savings bond which is lost, stolen, destroyed, mutilated, defaced, or otherwise not in the possession of the State, if the State has requested records and information under paragraph (3)(A), any applicable period of limitation for payment or redemption of such bond shall not begin to run against the State until the date on which the Secretary has provided the State with the records and information described in such paragraph.

“(5) If the United States Government makes payment to a State for an applicable savings bond pursuant to paragraph (4)—

“(A) that State shall attempt to locate the original owner of each such bond registered with an address in that State pursuant to the same standards and requirements as exist under that State’s abandoned property rules and regulations;

“(B) except as provided in subparagraph (C), the United States Government shall not retain any further obligation or liability relating to such bond, including any obligation or liability with respect to the registered owner of such bond (as described in paragraph (6));

“(C) should a State that receives payment for an applicable savings bond pursuant to paragraph (4) fail to make payment to a registered owner of such bond (as described in paragraph (6)(B)) after presentment of a valid claim of ownership pursuant to that State’s abandoned property rules and regulations, such owner may then seek redemption of their bond through the Secretary or any paying agent authorized by the United States Government to make payments to redeem such bonds, and it shall be paid; and

“(D) where the United States Government has made payment of an applicable savings bond under subparagraph (C), the respective State shall indemnify the United States for payments made on such bond.

“(6) For purposes of this subsection, the term ‘applicable savings bond’ means any United States savings bond that—

“(A) matured on or before December 31, 2017;

“(B) is registered to an owner with a last known address within a State claiming title under a valid escheatment order entered after December 31, 2012, and before January 2026; and

“(C) has not been redeemed by such owner.”.

**SA 2434.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr.

SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 507, lines 4 and 5, strike “and the Federal System Funding Alternative Advisory Board established under section 13002(g)(1)”.

On page 507, lines 11 and 12, strike “and the national pilot program under section 13002”.

On page 508, lines 1 and 2, strike “to the national pilot program under section 13002 or”.

Strike section 13002.

**SA 2435.** Mr. GRASSLEY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, insert the following:

## **TITLE XII—ANTI-FRAUD AMENDMENTS ACT**

### **SEC. 71201. SHORT TITLE.**

This title may be cited as the “Anti-Fraud Amendments Act”.

#### **Subtitle A—False Claims Procedures**

### **SEC. 71201. FALSE CLAIMS PROCEDURE.**

(a) **PROVING MATERIALITY.**—Section 3729 of title 31, United States Code, is amended by adding at the end the following:

“(e) **PROVING MATERIALITY.**—

“(1) **IN GENERAL.**—In an action under this section, the Government or relator may establish materiality by a preponderance of the evidence.

“(2) **REBUTTAL.**—A defendant may rebut evidence of materiality under paragraph (1) only by clear and convincing evidence that the Government regards the matter as immaterial.”.

(b) **COSTS.**—Section 3731 of title 31, United States Code, is amended by adding at the end the following:

“(f) If the Government elects not to intervene in an action brought under section 3730(b), the court shall, upon a motion by the Government, order the requesting party to pay the Government’s expenses, including costs and attorneys’ fees, for responding to the party’s discovery requests, unless the party can demonstrate that the information sought is relevant and proportionate to the needs of the case.”.

### **SEC. 71202. RIGHTS OF THE PARTIES TO QUI TAM ACTIONS.**

Section 3730(c)(2)(A) of title 31, United States Code, is amended by inserting before the period at the end the following: “, at which the Government shall have the burden of demonstrating reasons for dismissal, and the qui tam plaintiff shall have the opportunity to show that the reasons are fraudulent, arbitrary and capricious, or contrary to law”.

### **SEC. 71203. POST-EMPLOYMENT WHISTLE-BLOWER RETALIATION.**

Section 3730(h)(1) of title 31, United States Code, is amended by inserting “current or former” after “Any”.

### **SEC. 71204. GAO REPORT.**

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the effectiveness of the False Claims Act (31 U.S.C. 3729 et seq.) during the time period beginning on the date of enactment of the False Claims Amendments Act of 1986 (Public Law 99-562; 100 Stat. 3153) and ending on the date of enactment of this Act, which shall include—

(1) a description of the benefits and challenges of enforcement efforts under the False Claims Act (31 U.S.C. 3729 et seq.); and

(2) information on the amounts recovered by the Government under the False Claims Act since the date of enactment of the False Claims Amendments Act of 1986 (Public Law 99-562; 100 Stat. 3153).

### **SEC. 71205. APPLICABILITY.**

The amendments made by sections 71201, 71202, and 71203 of this Act shall apply to any case under the False Claims Act (31 U.S.C. 3729 et seq.) that is—

(1) filed on or after the date of enactment of this Act; or

(2) pending on the date of enactment of this Act.

#### **Subtitle B—Administrative False Claims**

### **SEC. 71211. ADMINISTRATIVE FALSE CLAIMS.**

(a) **CHANGE IN SHORT TITLE.**—

(1) **IN GENERAL.**—Subtitle B of title VI of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509; 100 Stat. 1934) is amended—

(A) in the subtitle heading, by striking “**Program Fraud Civil Remedies**” and inserting “**Administrative False Claims**”; and

(B) in section 6101 (31 U.S.C. 3801 note), by striking “**Program Fraud Civil Remedies Act of 1986**” and inserting “**Administrative False Claims Act**”.

(2) **REFERENCES.**—Any reference to the Program Fraud Civil Remedies Act of 1986 in any provision of law, regulation, map, document, record, or other paper of the United States shall be deemed a reference to the Administrative False Claims Act.

(b) **REVERSE FALSE CLAIMS.**—Chapter 38 of title 31, United States Code, is amended—

(1) in section 3801(a)(3), by amending subparagraph (C) to read as follows:

“(C) made to an authority which has the effect of concealing or improperly avoiding or decreasing an obligation to pay or transmit property, services, or money to the authority.”; and

(2) in section 3802(a)(3)—

(A) by striking “An assessment” and inserting “(A) Except as provided in subparagraph (B), an assessment”; and

(B) by adding at the end the following:

“(B) In the case of a claim described in section 3801(a)(3)(C), an assessment shall not be made under the second sentence of paragraph (1) in an amount that is more than double the value of the property, services, or money that was wrongfully withheld from the authority.”.

(c) **INCREASING DOLLAR AMOUNT OF CLAIMS.**—Section 3803(c) of title 31, United States Code, is amended—

(1) in paragraph (1) by striking “\$150,000” each place that term appears and inserting “\$1,000,000”; and

(2) by adding at the end the following:

“(3) **ADJUSTMENT FOR INFLATION.**—The maximum amount in paragraph (1) shall be adjusted for inflation in the same manner and to the same extent as civil monetary penalties under the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. 2461 note).”.

(d) **RECOVERY OF COSTS.**—Section 3806(g)(1) of title 31, United States Code, is amended to read as follows:

“(1)(A) Except as provided in paragraph (2)—

“(i) any amount collected under this chapter shall be credited first to reimburse the authority or other Federal entity that expended costs in support of the investigation or prosecution of the action, including any court or hearing costs; and

“(ii) amounts reimbursed under clause (i) shall—

“(I) be deposited in—

“(aa) the appropriations account of the authority or other Federal entity from which the costs described in subparagraph (A) were obligated;

“(bb) a similar appropriations account of the authority or other Federal entity; or

“(cc) if the authority or other Federal entity expended nonappropriated funds, another appropriate account; and

“(II) remain available until expended.

“(B) Any amount remaining after reimbursements described in subparagraph (A) shall be deposited as miscellaneous receipts in the Treasury of the United States.”.

(e) **SEMIANNUAL REPORTING.**—Section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

“(5) information relating to cases under chapter 38 of title 31, United States, including—

“(A) the number of reports submitted by investigating officials to reviewing officials under section 3803(a)(1) of title 31, United States Code;

“(B) actions taken in response to reports described in subparagraph (A), which shall include statistical tables showing—

“(i) pending cases;

“(ii) resolved cases;

“(iii) the average length of time to resolve each case;

“(iv) the number of final agency decisions that were appealed to a district court of the United States or a higher court; and

“(v) if the total number of cases in a report is greater than 2—

“(I) the number of cases that were settled; and

“(II) the total penalty or assessment amount recovered in each case, including through a settlement or compromise; and

“(C) instances in which the reviewing official declined to proceed on a case reported by an investigating official; and”.

(f) **INCREASING EFFICIENCY OF DOJ PROCESSING.**—Title 31, United States Code, is amended—

(1) in section 3803(j)—

(A) by inserting “(1)” before “The reviewing”; and

(B) by adding at the end the following:

“(2) A reviewing official shall notify the Attorney General in writing not later than 30 days before entering into any agreement to compromise or settle allegations of liability under section 3802 of this title and before the date on which the reviewing official is permitted to refer allegations of liability to a presiding officer under subsection (b).”; and

(2) in section 3812—

(A) in the section heading, by striking “**Prohibition against delegation**” and inserting “**Delegation authority**”; and

(B) by striking “, shall not be delegated to, or carried out by,” and inserting “may be delegated to”.

(g) **REVISION OF DEFINITION OF HEARING OFFICIALS.**—